

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 2:06CR148-P-B

GUSTAVO MONTANEZ-HERNANDEZ,

DEFENDANT.

ORDER GRANTING CONTINUANCE

This matter comes before the court upon Defendant Gustavo Montanez-Hernandez's Motion for Continuance [10-1]. After due consideration of the motion the court finds as follows, to-wit:

Trial is currently set for December 11, 2006. Defense counsel avers that he needs additional time to review discovery recently received from the Government, meet with his client, and to adequately prepare pretrial motions.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from December 11, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion for Continuance [10-1] is hereby **GRANTED**;

(2) Trial of this matter is continued until Tuesday, January 30, 2007 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from December 11, 2006 to January 30, 2007 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is January 8, 2007; and

(5) The deadline for submitting a plea agreement is January 16, 2007.

SO ORDERED this the 13th day of November, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE